

## NOTICE OF MOTION ARREST WARRANT FOR EXAMINATION

### COURT DETAILS

Court

#Division

#List

Registry

Case number

### TITLE OF PROCEEDINGS

[First] plaintiff [name]

#Second plaintiff #Number of  
plaintiffs (if more than two)

[First] defendant [name]

#Second defendant #Number of  
defendants (if more than two)

### FILING DETAILS

Person seeking orders [name] [role of party eg plaintiff] (**judgment creditor**)

#Filed in relation to [eg plaintiff's claim, (number) cross-claim]  
[include only if form to be eFiled]

#Legal representative [solicitor on record] [firm]

#Legal representative reference [reference number]

Contact name and telephone [name] [telephone]

Contact email [email address]

### PERSON AFFECTED BY ORDERS SOUGHT

#**[name]** [if judgment debtor is an individual, role of party eg defendant] (**judgment debtor**)

#**[name]** [if judgment debtor is a company, capacity of person sought to be arrested]

### HEARING DETAILS

This motion is to be dealt with in the absence of the parties.

[on separate page]

**ORDERS SOUGHT**

- 1 The issue of a warrant for the arrest of [name of person] under section 97 of the Civil Procedure Act 2005 for the failure of that person to comply with the order for examination made by the court on [date of order].

**SIGNATURE**

#Signature of legal representative

#Signature of or on behalf of party  
if not legally represented

Capacity [eg solicitor, authorised officer, role of party]

Date of signature

[on separate page]

## AFFIDAVIT

Name

Address

Occupation

Date

I [#say on oath #affirm]:

1 #I am the judgment creditor.

#I am [give details of the capacity of the person making the affidavit and the facts that qualify the person to make the affidavit].

2 The judgment debt in these proceedings remains unsatisfied to the extent of \$[amount].

3 On [date], an examination order was made requiring the attendance of [name of person] (**the examinee**) at [time] on [date] at [place].

4 The examination order was served on the examinee on [date] by [mode of service].

5 The examinee has failed to comply with the order for examination.

6 The following communications have been had or attempted with the examinee relating to the examination and the examinee's failure to attend court: [provide details of communications].

7 [name of person]'s current address is [set out address].

#SWORN #AFFIRMED at

Signature of deponent

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Name of witness

Address of witness

Capacity of witness

[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]  
 #I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.\*
- 2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]  
 #I have confirmed the deponent's identity using the following identification document:

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Identification document relied on (may be original or certified copy) †

Signature of witness

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Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

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[\* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[†"Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.